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Serial No.: 09/774,650
Amendment dated December 12, 2003
Response to Office Action dated July 15, 2003

REMARKS

Upon entry of this amendment, claims 4 and 7 are pending. By the present amendment, claims 2, 5 and 6 have been canceled without prejudice or disclaimer as to the subject matter contained therein.

Entry of this amendment is proper under 37 C.F.R. §1.116 because the amendment merely cancels selected claims and does not present any additional claim amendments requiring further search and/or consideration. Accordingly, entry of the amendment is proper, which action is earnestly solicited.

The rejection of claims 2 and 4-7 under 35 U.S.C. §112, second paragraph is respectfully traversed. Without acquiescing in the rejection, claims 2, 5 and 6 have been canceled without prejudice. The cancellation of claim 6 renders moot the rejection of claim 7. Accordingly, the rejection will be discussed with reference to claim 4.

The Office Action alleges that it is unclear if the claim calls for the heat generation peak position to be at a proximal end where a high resistive portion is provided. The Office Action goes on to state that if so, it would appear to contradict the purpose of the invention. According to the observations of the Office Action, if this claim is based on Figure 12, the heat generation peak position is at the distal end but a high resistive portion is located at a proximal end.

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Thus, the Office Action concludes that the claim is unclear and requires applicant to confirm his intent.

It is respectfully submitted that claim 4 covers, for example, and without limitation, the third embodiment described in the application, as well as the illustrative embodiment set forth in Figure 12.

According to the third embodiment, a high resistive portion 315 is partly formed at the proximal side of the heat generating section 31. Thus, the heat generating section 31 of the third embodiment has *two types* of high resistive portions. For example, one is the narrow width portion located at the *distal end side* and the other is the narrow width portion (e.g., portion 315) located at the *proximal end side*.

It appears that the Office Action is alleging that there is no coincidence between the heat generation peak position and the high resistive portion 315. In this connection, the Examiner's attention is directed to the disclosure at page 14, which specifically provides that the high resistive portion 315 at the proximal end of the heat generating section 31 is for moderating the heat generating peak so as not to cause a sudden increase in temperature distribution. A comparison of the temperature distribution curves of Figure 4A and Figure 12A demonstrates that the effect of providing the high resistive portion 315 at the proximal end side is to

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raise the temperature at the distal end side to a certain degree to prevent the heater element from cracking due to steep temperature distribution.

In this exemplary respect, the purpose of providing the high resistive portion 315 at the proximal end side is not to change the heat generating peak position. As clearly illustrated in Figure 12 and clearly recited in claim 4, the heat generating peak position of the heater is in the vicinity of the contact portion. The other narrow width, high resistive portion located at the distal end side of the heat generating section 31 contributes to form the heat generating peak closely to the contact portion. Thus, the heat generating peak position of the heater may be the same in the first and third embodiments. The indefiniteness raised in the Office Action may be the result of ignoring the presence of the narrow width portion located at the distal end side of the heat generating section 31.

Therefore, it is respectfully submitted that the claims are definite and fully comply with the requirements of 35 U.S.C. §112. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

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Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

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